

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1011 OF 2005

Shri.Dhanpal Shantappa Birnale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.R.V.More for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 18, 2005.

P.C.

1. Heard Counsel for the parties.

2. It is seen that the Applicant is 72 years of age and is suffering from some ailment. The learned A.P.P. who had appeared before the lower Court fairly accepted that considering the old age of the Applicant and his ailment, he ought to be released on bail by putting some conditions. This fact is stated in Para 1 of the order. In Para 6 of the order passed by the lower Court, it is

mentioned that though apparently, the role played by the present Applicant is not so serious, still the materials on record indicate that he was associate of the gang in question. The fact that Applicant is about 72 years of age and very old and that, he is also suffering from serious ailment is also accepted by the Court below. Moreover, as the role of the Applicant is not so serious in the commission of the crime, taking overall view of the matter, the Applicant deserves to be granted bail on the strict conditions as follows:

(a) The Applicant is granted bail in connection with C.R.No.13 of 2005 registered with Vishrambaug Police Station, Sangli, on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with two local sureties in the like amount.

(b) The Applicant shall report to the Investigating Officer once in a week on Saturday between 10.00 a.m. to 2.00 p.m. till the investigation is complete and charge-sheet is filed.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

3. Application disposed of on the above terms.

A.M.KHANWILKAR, J.